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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,321	05/30/2000	Charles R. Berg		1549

7590 10/03/2003

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EXAMINER
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HARRISON, JESSICA

ART UNIT	PAPER NUMBER
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3714

18

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/583,321

Applicant(s)

BERG ET AL.

Examiner

Jessica J. Harrison

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 82-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 82-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Applicant's response of September 11, 2003 is noted. No amendments have been made to the specification. Claims 1-81 have been cancelled. Claims 82 – 100 have been added.

It is noted that Applicant's amendment of July 14, 2003 was not entered. As stated on the Advisory Action, the amendment would only be entered for the purposes of an appeal due to the proposed substantial reduction in issues that would go before the Board. However, applicant has chosen to request continued examination under 37 CFR 1.114 and has not requested entry of the previously submitted amendment. The July 14, 2003 amendment also included amendments presenting a new abstract and starting the claims on a separate sheet. Therefore, the amendments to the specification have not been entered resulting in repetition of the previous objections.

It is also noted that, technically, as the prior amendment was not entered, the currently presented amendments are not properly labeled. The references of (Currently amended) and (previously added) are incorrect as these claims are all (NEW). In the interest of advancing prosecution, the examiner has informally amended the labeling to be new rather than hold the amendment non-responsive.

***Specification***

Third notice:

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The instant abstract is too short to describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Third Notice:

The claims are objected to as they do not begin on a separate sheet as required by 37 CFR 1.75(h).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 82 - 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US2001/0038178) in view of Brossard (6,302,790).

The rejection contained in the prior office action is maintained and repeated hereinbelow, albeit amended to reflect applicant's amendments to the claims.

Vancura discloses a knowledge-based casino game provided as a bonus game to an underlying game or as a stand alone game. Included in Vancura is a FAMILY FEUD embodiment as described beginning at [0070]. Vancura provides an electronic database of a plurality of questions for presentation to the player, provides an electronic database of a plurality of answers, assigns a value to at least one answer, presents questions, displays values and awards

values as claimed in each independent claim. Vancura only differs from independent claims 82, 86 and 92 in that these claims require "electronically selecting" one of the answers, wherein Vancura presents answers and awaits a player selection. However, as one can readily recognize, awaiting a players response will substantially slow game play, as a player may study and consider his choices for an indefinite period of time. Such loss of time equates to loss of revenue for the casino. In an analogous bonus game arrangement, the teachings of Brossard would illuminate a solution to this problem. In Brossard, a similar knowledge based bonus game is suggested: one modeled after the well known and popular game JEOPARDY. See Brossard, figure 2 and corresponding description. Brossard randomly selects the 'answer' for the player after an entertaining display of approximately 8 seconds. In this manner, speed of play can be controlled. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Vancura teachings to have the machine 'electronically select' one of the answers to the knowledge based game after a brief period of time, in order to ensure a reasonable play rate. Note that the resulting combination results in essentially a random determination of the game result, thus awards a value independent of the player's knowledge as is now claimed in the independent claims. Regarding claim 87, note Vancura teaches utilizing desirable and undesirable answers at [0081]. Regarding claims 99 and 100, the inclusion of the selection of wrong (or undesirable) answers would have been obvious to

more closely simulate the well-known television version of FAMILY FEUD. Regarding claims 86 and 92, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a plurality of questions and allow selection of a question in the Vancura game, as modified by Brossard, in order to provide the player with some feeling of control over the outcome of the bonus game. With respect to the dependent claims, they appear to repeat substantially the same subject matter grouped under each dependent claim, and will be discussed under general topic herein, with limited claim reference. As to the order of presentation of questions and answers (for example, claims 83-85), this will define whether the game will be themed as JEOPARDY (answer first) or FEUD (question first). As both are discussed in the above references, the particular choice of order would be obvious to one of ordinary skill dependent upon game implementation.

### ***Response to Arguments***

Applicant's arguments filed September 11, 2003 have been fully considered but they are not persuasive. Applicant has amended the claims to reflect the player is awarded a value independent of the player's knowledge and submits that this is novel and non-obvious over Vancura which discloses a game where the payout is allegedly related to the player's knowledge. Applicant fails to discuss in any way the applied combination of Vancura in view of Brossard. Having the machine electronically select, as set forth in the above

combination, removes the influence of any player's knowledge on the awarded value. While applicant may argue Vancura does not teach the invention, the invention is rejected under Vancura in view of Brossard and applicant's argument fails to persuade patentability over the combination.

**Conclusion**

This is a RCE of applicant's earlier Application No. 09/583321. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

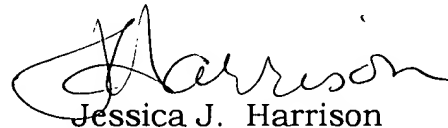
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone number is 703-308-2217. The examiner can normally be reached on 8 hour/M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

  
Jessica J. Harrison  
Primary Examiner  
Art Unit 3714

jjh